



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH CARVAJAL,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

15-CV-9656 (AKH)

04-CR-222 (AKH)

ORDER

Alvin K. Hellerstein, United States District Judge:

Movant, currently incarcerated at FCI Williamsburg in Salters, South Carolina, brings this *pro se* Motion under 28 U.S.C. § 2255 challenging the legality of his sentence entered in *United States v. Carvajal*, No. 04-CR-222 (AKH) (S.D.N.Y. Mar. 4, 2005).

Movant currently has an identical Motion under Section 2255 that is pending before this Court. *See Carvajal v. United States of America*, No. 15-CV-9566 (AKH). It appears that the Motion was inadvertently opened as two new civil actions under docket numbers 15-CV-9566 and 15-CV-9656. The Court issued an order on the same Motion, on the 15-cv-9566 docket, on January 19, 2016. The Court therefore directs the Clerk of Court to administratively close this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 28, 2016
New York, New York

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein".

ALVIN K. HELLERSTEIN
United States District Judge